

D/F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

BOARD OF TRUSTEES OF THE UFCW LOCAL 174
PENSION FUND,

Plaintiff,

-against-

JERRY WWHS CO., INC,

Defendant.

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08-CV-2325 (ARR)(JO)

NOT FOR
PRINT OR ELECTRONIC
PUBLICATION

ORDER

ROSS, United States District Judge:

The court has received the Report and Recommendation on the instant case dated March 19, 2009 from the Honorable James Orenstein, United States Magistrate Judge. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Edwards v. Town of Huntington, No. 05 Civ. 339 (NGG) (AKT), 2007 U.S. Dist. LEXIS 50074, at *6 (E.D.N.Y. July 11, 2007); McKoy v. Henderson, No. 05 Civ. 1535 (DAB), 2007 U.S. Dist. LEXIS 15673, at *1 (S.D.N.Y. March 5, 2007). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Therefore, the court awards the plaintiff a default judgment in the total amount of \$322,680.15 (consisting of \$306,705.00 in withdrawal liability; \$14,690.15 in accrued interest; \$935.00 in reasonable attorneys' fees; and \$350.00 in other litigation costs).

The Clerk of the Court is directed to enter judgment accordingly.

SO ORDERED.

s/ ARR
Allyne R. Ross
United States District Judge

Dated: April 9, 2009
Brooklyn, New York

SERVICE LIST:

Plaintiff's Attorney

Russel L. Hirschhorn
Proskauer Rose LLP
1585 Broadway
Rm 2132
New York, NY 10036-8299

Defendant's Attorney

Louis I. Newman
Slade & Newman
245 Fifth Avenue
New York, NY 10016

cc: Magistrate Judge James Orenstein